

**MINUTES OF THE  
MARICOPA ASSOCIATION OF GOVERNMENTS  
TRANSPORTATION POLICY COMMITTEE MEETING**

February 20, 2008  
MAG Office, Saguaro Room  
Phoenix, Arizona

**MEMBERS ATTENDING**

Mayor Keno Hawker, Mesa, Chair	# Mayor Hugh Hallman, Tempe
Councilmember Ron Aames, Peoria	* Eneas Kane, DMB Associates
Kent Andrews, Salt River Pima-Maricopa Indian Community	* Mark Killian, The Killian Companies/ Sunny Mesa, Inc.
Maria Baier, Phoenix	Vacant, State Transportation Board
# Vice Mayor Gail Barney, Queen Creek	# Mayor Marie Lopez Rogers, Avondale
# Stephen Beard, SR Beard & Associates	# Mayor Mary Manross, Scottsdale
Mayor Steven Berman, Gilbert	David Martin, Citizens Transportation Oversight Committee
* Dave Berry, Swift Transportation	# David Scholl, Westcor
Jed S. Billings, FNF Construction	Mayor Elaine Scruggs, Glendale
Mayor Bobby Bryant, Buckeye	# Mayor Lyn Truitt, Surprise
Mayor James Cavanaugh, Goodyear	Supervisor Max W. Wilson, Maricopa County
# Mayor Boyd Dunn, Chandler	
* Not present	
# Participated by telephone conference call	
+ Participated by videoconference call	

1. **Call to Order**

The meeting of the Transportation Policy Committee (TPC) was called to order by Chair Keno Hawker at 4:03 p.m.

2. **Pledge of Allegiance**

The Pledge of Allegiance was recited.

Chair Hawker noted that Councilmember Gail Barney, Mayor Boyd Dunn, Mayor Marie Lopez Rogers, Mayor Mary Manross, Mayor Lyn Truitt, Steve Beard, and David Scholl were participating by telephone.

Chair Hawker welcomed new members to the TPC: Phoenix Councilmember Maria Baier, Surprise Mayor Lyn Truitt, and CTOC Chair David Martin.

Chair Hawker announced that a memorandum reporting the recommendations of the MAG Management Committee and Executive Committee on agenda items #4B, #4C, #4D and #5, and an updated Bill Summary Chart for agenda item #7 were at each place.

Chair Hawker requested that members of the public turn in their public comment cards to staff. Transit tickets for those who used transit to attend the meeting and parking garage ticket validation were available from MAG staff.

3. Call to the Audience

Chair Hawker stated that an opportunity is provided to the public to address the Transportation Policy Committee on items that are not on the agenda that are within the jurisdiction of MAG, or non action agenda items that are on the agenda for discussion or information only. Citizens will be requested not to exceed a three minute time period for their comments. An opportunity is provided to comment on agenda items posted for action at the time the item is heard. It was noted that no public comment cards were received.

4. Approval of Consent Agenda

Chair Hawker stated that agenda items #4A through #4D were on the consent agenda. He noted that a request had been received to remove agenda item #4D from the consent agenda. Chair Hawker stated that public comment is provided for consent items. He noted that no requests had been received to comment on agenda items #4A, #4B, and #4C. Mr. Billings moved to recommend approval of the consent agenda items #4A, #4B, and #4C. Mayor Berman seconded, and the motion carried unanimously.

4A. Approval of December 12, 2007, Meeting Minutes

The Transportation Policy Committee, by consent, approved the December 12, 2007 meeting minutes.

4B. Project Changes: Amendments, and Administrative Modifications to the FY 2008-2012 MAG Transportation Improvement Program and FY 2008 Arterial Life Cycle Program, and Material Cost Changes to the ADOT Program

The Transportation Policy Committee, by consent, recommended approval of amendments and administrative modifications to the FY 2008-2012 MAG TIP, the FY 2008 Arterial Life Cycle Program, the Regional Transportation Plan 2007 Update as appropriate, and a material cost change to the ADOT Program as shown in the attached tables. The FY 2008-2012 Transportation Improvement Program (TIP) and Regional Transportation Plan 2007 Update were approved by the MAG Regional Council on July 25, 2007, and the FY 2008 Arterial Life Cycle Program (ALCP) was approved by the MAG Regional Council on June 27, 2007. Since that time, there have been requests from member agencies to modify projects in the programs. The proposed Highway administrative modifications and amendments to the FY 2008-2012 TIP are listed in Table A, administrative modifications to the ALCP are listed in Table B, and proposed Transit amendments are listed in Table C. An administrative modification does not require a conformity determination. In addition, Table D notes the material cost change to the ADOT Program. The material cost changes are related to cost increases. The right of way project for I-10: Sarival Road to Dysart Road increased by \$500,000 and the construction project for the US-60: I-10 to

Loop 101 increased by \$7,500,000. The Transportation Review Committee and the MAG Management Committee recommended approval of the project changes.

4C. Consultant Selection for the Statewide Transportation Survey

The Transportation Policy Committee, by consent, recommended that MAG negotiate with WestGroup Research to conduct the Statewide Transportation Survey for an amount not to exceed \$55,000, and if negotiations with WestGroup Research are not successful, that MAG negotiate with its second choice, Behavior Research Center, to conduct the survey. On December 19, 2007, the MAG Regional Council approved conducting a public opinion survey to measure voter attitudes and preferences in addressing regional and statewide transportation mobility needs, and that the FY 2008 MAG Unified Planning Work Program and Annual Budget be amended to include \$55,000 for the survey. On January 13, 2008, MAG issued a Request for Proposals to develop and conduct an independent, scientifically valid voter opinion survey. In response, six proposals were received. A multi-agency review team met on February 5, 2008, and recommended to MAG the selection of WestGroup Research to conduct the survey. In addition, the team recommended that if negotiations with WestGroup are not successful, that MAG be directed to negotiate with its second choice, Behavior Research Center. On February 13, 2008, the MAG Management Committee concurred with the multi-agency review team.

4D. The Interstate 10 - Hassayampa Valley Transportation Framework Study

This item was removed from the consent agenda.

Bob Hazlett, MAG Senior Engineer, provided a staff report. Since May 2006, the Interstate 10-Hassayampa Valley Transportation Framework Study has been underway for establishing a mobility framework for a significant portion of Maricopa County west of the White Tank Mountains. Mr. Hazlett stated that ADOT, the Maricopa County Department of Transportation, the Town of Buckeye, the Cities of Goodyear and Surprise, and MAG, partnered on the project by funding and developing the Study. He noted that the study area could have a population of approximately 2.8 million by buildout.

Mr. Hazlett noted that an extensive stakeholder process included more than 150 opportunities for input. He stated that the Transportation Review Committee, Management Committee, the Transportation Policy Committee, and Regional Council have been provided briefings on the results and potential recommendations generated on the project. Mr. Hazlett advised that the requested action is to accept, not to adopt, the findings of the study, because the projects are unfunded. He added that the exact locations of alignments would be determined by future engineering studies.

Chair Hawker recognized public comment from Nick Wood from Snell and Wilmer, the firm that represents Toyota Motors. Mr. Wood provided material to members. He stated that the Toyota proving ground located here after an agreement was reached in 1991. Mr. Wood stated Toyota's proving ground is economically significant for Toyota and the Valley. Mr. Wood stated that at the January 31, 2008 Transportation Review Committee (TRC) meeting, Toyota requested that the north-south freeway, shown on the map to cut through the test track, be realigned. He reported that the TRC agreed and the alignment was redrawn, but not at a distance desirable to Toyota. Mr. Wood explained how security and secrecy are important to companies testing their vehicles. He requested that there be a 1.5 mile buffer between the freeway and the test track to protect it, not only from industrial espionage, but also vibrations. Mr. Wood also expressed concern with the development by Douglas Ranch that would take

place, and once that development has occurred, Toyota will have to live with those alignments. He requested that the TPC recommend approval of the plan with their recommended change.

Chair Hawker noted that the framework was done to get a concept of the roads that might be necessary. He said that he did not anticipate a jurisdiction's zoning or master plan would be overridden, and he figured they would work with the property owners to develop the best alignment.

Mr. Smith stated that when a roadway with no funding is put in a plan, it is put in as an illustrative corridor, and is subject to change. Mr. Smith noted that the alignments first set down in the 1960 Wilbur Smith plan moved from the locations indicated in that plan.

Chair Hawker asked the input received from the involved jurisdictions on the plan. Mr. Hazlett replied that Buckeye was a funding partner and its staff participated from day one, as did Maricopa County. He said that not only their staff, but also the development community provided input. Mr. Hazlett stated that the process was quite extensive - more than 2,000 people participated in more than 150 meetings. He added that they coordinated with Toyota Motors, but since the corporation is so large, perhaps they did not coordinate with the correct person.

Eric Anderson, MAG Transportation Director, advised that at this point, changing the alignment on the map would not impact the study at all. He added that Toyota's input would be important in the next phase of the alignment studies. Mr. Anderson stated that information on the alignment would probably be important to Eldorado Holdings, a major developer in Douglas Ranch, and it would be useful to reflect that change now on the map. Mr. Anderson stated that it would be no issue for staff to change the alignment.

Chair Hawker expressed concern that moving the alignment could impact other property owners and he would have no knowledge of that impact. He asked Supervisor Wilson for his input.

Supervisor Wilson stated that the area is in Maricopa County and they have looked at it. He commented that he thought there was some truth to the saying that once a line is put down and the longer it is there, the more it becomes law. Supervisor Wilson stated that it is not an issue to Maricopa County to move the alignment as requested by Toyota. He stated that Toyota has been a good neighbor and has been there a long time. Supervisor Wilson stated that the change would not affect the neighbors where the changed alignment would occur.

Chair Hawker asked Mayor Bryant if Buckeye had any concerns for changing the alignment.

Mayor Bryant stated that the change would be a non-issue to Buckeye at this point. He added to be aware of that and move forward would be positive.

Mayor Berman moved a recommendation to (1) accept the findings of the Interstate 10-Hassayampa Valley Transportation Framework Study as the surface and public transportation framework for the Hassayampa Valley; (2) adopt the traffic interchange locations for the Interstate-10/Papago Freeway from SR-303L/Estrella Freeway to 459th Avenue; (3) adopt a two-mile traffic interchange spacing policy for new freeway facilities within the Hassayampa Valley with appropriate planning for non-access crossings of the freeway facilities to facilitate local transportation movements; (4) adopt a new functional classification as a parkway, recognizing the Arizona Parkway as a type of parkway with

unique operating characteristics for congestion and air quality planning purposes; (5) accept the findings and implementation strategies as described in the study for inclusion as illustrative corridors in the Regional Transportation Plan; and, (6) recommend the affected jurisdictions within the Hassayampa Valley study area incorporate this study's recommendations into future updates of their general plans. Also, to move the alignment of the proposed Hassayampa North-South Freeway on the framework map at least 1.5 miles from the Toyota Test Track. Supervisor Wilson seconded. With no further discussion, the motion passed unanimously.

5. Draft Revised MAG Highway Acceleration Policy

Eric Anderson updated members on the review of the MAG Highway Acceleration Policy. He said that a Working Group of member agency managers met on December 5, 2007 and January 30, 2008 and discussed and recommended revisions to the policy. At the January 30, 2008 meeting, the consensus of the working group was to move forward the draft revised MAG Highway Acceleration Policy for consideration and adoption by the MAG Regional Council.

Mr. Anderson stated that the current MAG Highway Acceleration Policy was adopted in March 2000, which was prior to the Proposition 400 election, the formation of the TPC and the development of the Regional Transportation Plan. He stated that the policy outlines the process for jurisdictions to accelerate projects, ensures local financing provided in a fiscally prudent manner, ensures that other projects are not affected, and that the sharing of interest costs recognizes the benefit of both the local jurisdiction and the region.

Mr. Anderson stated that the Working Group discussed whether the policy should be the same for all highway and freeway projects. They recommended that there be no distinction. The Working Group discussed the form of local commitment that should be in place for MAG to consider an acceleration request. They recommended that there should be a resolution by the sponsoring jurisdiction's Council or Board that they support the acceleration. The Working Group discussed if there should be minimum financial commitment and should the interest sharing be simplified. They recommended a fifty/fifty interest sharing. The Working Group discussed whether there should be a consequence if a "below the line" earmark was used. They recommended, after lengthy discussion, that "below the line" funding would not be allowed.

Mr. Anderson reviewed the recommended changes to the policy, which include improvements and clarifications that bring the policy in line with Proposition 400; all freeway and highway projects; the Transportation Policy Committee as the body that makes recommendations to the MAG Regional Council; a requirement to have a council resolution that shows support for the proposed acceleration before MAG takes action on the request; interest sharing fixed at fifty/fifty; prohibition of "below the line" earmarks; and MAG to be a party to the intergovernmental agreement with ADOT and the local jurisdiction(s).

Chair Hawker thanked Mr. Anderson for his report. He expressed his approval of the conclusions.

Mayor Cavanaugh expressed his agreement with the recommendation and commended the Working Group for their effort. Mayor Cavanaugh commented on item #1, "The Transportation Policy Committee will review any request to accelerate a highway project and will make a recommendation to the MAG Regional Council, which must approve or disapprove the acceleration request. The

jurisdiction or jurisdictions requesting the acceleration (sponsoring jurisdictions) must provide a resolution of support and commitment for the request from the governing body of the jurisdiction before the Transportation Policy Committee and the MAG Regional Council take formal action. in the policy by saying that the most disagreement in the recent issue over the I-10 widening was the resolution.” Mayor Cavanaugh stated that some people thought they were binding, some thought there was a moral obligation, and some thought they were agreements to agree. He stated that he did not think there would be a legal obligation from a resolution.

Mayor Cavanaugh referenced the intergovernmental agreement in item #2, “Subsequent to the approval of the MAG Regional Council, the sponsoring jurisdiction(s) must enter into an agreement with the Arizona Department of Transportation (ADOT) that includes the parameters of the approval from MAG in addition to other terms and conditions required by ADOT. MAG shall be a party to the agreement to ensure it conforms to this policy. The agreement among the sponsoring jurisdiction(s), ADOT and MAG may include the option of reverting to the original project schedule under certain circumstances as long as all non-recoverable costs incurred or committed are paid for by the jurisdiction.” Mayor Cavanaugh expressed that he thought #2 would satisfy the legal requirements. He suggested that before the TPC and Regional Council see a resolution for acceleration there needs to be a commitment for funding. They have to demonstrate the capability and intent to fund the acceleration; it needs to be budgeted and earmarked. Mayor Cavanaugh stated that he did not think the TPC and Regional Council should vote on an acceleration until there is a definitive commitment. He said that Goodyear’s resolution for the I-10 widening was neither definitive nor conclusive and the failure to do that led to a challenging situation. Mayor Cavanaugh stated that a definitive commitment to fund an acceleration is needed upfront.

Chair Hawker asked Mr. Anderson if the Working Group had discussed what should be encompassed in a resolution to address these concerns. Mr. Anderson replied that there was general discussion, but no specifics. He suggested a change in item #1, sentence two, to say, “The jurisdiction or jurisdictions requesting the acceleration (sponsoring jurisdictions) must provide a resolution of support and demonstration of financial commitment for the request from the governing body of the jurisdiction before the Transportation Policy Committee and the MAG Regional Council take formal action.” That would demonstrate financial capability and intent for the request.

Chair Hawker noted concurrence on this change.

Mayor Cavanaugh moved to recommend the adoption of the draft revised MAG Highway Acceleration Policy, with the change noted to item #1. Councilmember Aames seconded. Chair Hawker asked if there was discussion on the motion.

Supervisor Wilson asked for clarification of what constituted a financial commitment. Mr. Anderson replied that the resolution should indicate a source of financing and intent of the council or board to pay its share of interest expenses as a part of that commitment. He stated that staff could come back under a future agenda item with some guidelines to be used by jurisdictions. Supervisor Wilson expressed that he would support staff bringing guidelines back in writing. Mr. Anderson suggested a form or checklist for resolutions. Chair Hawker noted that if not all of the boxes were checked off for an acceleration request, they could be discussed.

Mayor Lopez Rogers expressed her appreciation to the Working Group of managers for clarifying the policy. She added that this was a significant improvement in the process. She expressed her support for the motion.

With no further discussion, the vote on the motion passed unanimously.

6. BQAZ Update and Schedule

Mr. Anderson provided an update on the Building a Quality Arizona (BQAZ) planning effort. He stated that there has been great cooperation among the state's Councils of Governments (COGs) and Metropolitan Planning Organizations (MPOs) who have been working together through the COG/MPO Association. Mr. Anderson stated that the COG/MPO Association has also been working cooperatively with the Arizona Department of Transportation (ADOT). He noted that with the assistance of the State Transportation Board, ADOT has kicked off framework studies across the state.

Mr. Anderson stated that a survey of business leaders showed that transportation is an issue important to the Valley. He noted the potential growth in population will greatly impact the transportation system statewide. Mr. Anderson displayed a map of the traffic counts in Arizona in 2005. The second map he displayed showed the demand estimates using the BQAZ sketch planning tool. As an example of the traffic increase, he noted the 2005 traffic count on the segment on I-10 west of SR-51 and Loop 202 was 303,000 vehicles per day; in the 2050 estimate, the same segment is projected at 750,000 vehicles per day, and that is only if there was capacity. Mr. Anderson displayed two maps that showed the volume and the capacity side by side. Mr. Smith stated that these maps were shown at a statewide meeting where it was noted that seasonal traffic, which can be of great impact, was not included on the maps.

Mayor Scruggs asked if any adjustment had been taken for future transit systems. Mr. Anderson replied that these maps were vehicles only and shows the overall demand on roadways. He commented that an implication is that more than just roadways is needed and a significant transit investment will be needed.

Chair Hawker expressed his compliments on the maps, which visually, have great impact and communicate the issue. He added that they make it easy to grasp the situation. Mr. Smith stated that the sketch planning tool was an outgrowth of the Statewide Mobility Reconnaissance Study. He said that never before has there been a modeling tool in Arizona. Mr. Smith added that the results also show impacts from external stations.

Supervisor Wilson stated that prices are lower than they were a few years ago. He asked at what point should projects be accelerated as much as possible because it saves money. Supervisor Wilson added that some freeways/transportation systems are instrumental to the effective operation of others. Mr. Anderson stated that extensive bonding is already built-in to Proposition 400. He said that costs will continue to be an issue. Mr. Anderson stated that the average cost to build one mile of freeway in 1985 was \$40 million; it is \$100 million today. He said that the good news for MAG is that this region has bonding capacity. He added that the other parts of the state do not have that. Supervisor Wilson requested that staff provide updates to the TPC on the cost of borrowing money.

Mr. Anderson then displayed data of statewide travel trends. The chart that showed the number of trips from Phoenix to Flagstaff, Flagstaff to central Yavapai County, Phoenix to central Yavapai County,

Yuma to Phoenix, and Phoenix to Tucson for the years 2005 and 2050. He stated that the process for the statewide plan and Move AZ update is presently being wrapped up.

Mr. Anderson stated that there are questions that need to be answered sooner than later to move toward a statewide vote. (1) What is the revenue source(s)? How much will it raise? (2) If a sales tax is considered, will communities already at nine and ten percent support the tax? (3) Should growth pay its way? If so, will the real estate community support the plan? (4) Currently, approximately 67.6 percent of the sales tax in Arizona is generated in Maricopa County. What is the fair amount for Maricopa County to contribute to areas outside of Maricopa County? (5) Arizona's gas tax is approximately eight cents per gallon below the national average and has not been increased since 1991. With gasoline at \$3 per gallon, is raising the gas tax viable? (6) What improvements will be funded by a statewide source: freeways/highways, freeway/highway maintenance, parkways/expressways not on the state highway system, city/county roads/arterials, local/regional bus service, light rail, commuter rail/high speed rail, bicycle and pedestrian projects, or safety projects? (7) How will major amendments to the plan developed in the framework studies be addressed -- at the state level or the framework/ regional level? (8) What budget mechanism will be used to keep the promised improvements in the plan in balance with costs and revenues and on time? (9) Who will be responsible for approving major cost increases: a statewide body or a regional body? appointed or elected? (10) How will the business community and citizens be involved in the process? (11) Who will be responsible for issuing an annual report? (12) Who will set the priorities? Who will have the responsibility to change the priorities?

Mr. Anderson then reviewed the illustrative plan development timeline, which includes a Regional Transportation Plan cost update, the completion of the framework studies and a needs identification for the existing freeway system and local streets. This would be followed by an illustrative plan scenario development, statewide plan development and coordination and illustrative plan air quality conformity analysis.

Mr. Anderson reviewed the TPC and Regional Council actions in December 2007: (1) That MAG work cooperatively with ADOT and the COG/MPO Association in developing the transportation framework studies that will set the future transportation direction for Arizona. (2) To have MAG work cooperatively with ADOT to provide information that will describe the transportation challenges facing this region, including representative projects that are part of the approved RTP. (3) Assist ADOT in describing future needs as part of the transportation framework studies.

Mr. Anderson stated that ADOT requested that MAG prepare a critical needs list to provide to the Governor by mid-March to gain an idea of the magnitude of need. The critical needs list includes: identifying the impact of cost increases for Proposition 400 freeway plan and acceleration potential; identifying unfunded needs from framework studies to 2030; reviewing input for 2007 Governor's Transit Executive Order; developing a formula to establish funding needs for local streets; and identifying unplanned conceptual projects needed by 2030 with order of magnitude cost estimates for each project. Mr. Anderson advised that the MAG transit framework study has just started. He noted that at each place was the list submitted in response to the Transit Executive Order in 2007. Mr. Anderson stated that in the submission, it was noted that the list had not gone through the MAG approval process.

Chair Hawker asked the role of the TPC in this process. Mr. Smith noted that Mayor Cavanaugh is Co-Chair of the Statewide Policy Committee and Mayor Manross is a member. He indicated that he thought



the heavy lifting would be done by the TPC. Mr. Smith stated that a significant policy question is what portion of the sales tax Maricopa County will share with the rest of the state. He stated that he thought guidance would need to come from the TPC.

Chair Hawker asked if there was an idea of the cost magnitude of this program. Mr. Anderson replied that the concept of a dollar magnitude is one of the unknowns. He said that once the amount of the sales tax is determined, planning for projects could begin. Mr. Anderson added that the illustrative projects could easily total \$100 billion, which would probably not be acceptable to voters. The list would need sorting and prioritization.

Chair Hawker stated that the population, needs and area were known factors when Proposition 400 was drafted. He asked if each county would submit its projects and then look at the dollar figure the tax would raise. Mr. Smith stated that one approach would be to look at the revenue sources that people agree upon, and then calculate how much would stay in the region. The other option would be to compile a list of projects on a statewide basis.

Councilmember Aames asked if the timeframe was to 2050. Mr. Smith replied that one option would be to look to a horizon of 2050. That way facilities are not undersized, and then scale back from there. Mr. Smith stated that another option would be to have a 20-year plan and some of the projects would go into the future. Mr. Anderson noted that planning is difficult when the timeframe of the tax has not yet been established and there are many unknowns.

Mr. Martin expressed concern for the tenor of conversation as to what is theirs and what is ours on the funding side. In previous legislative discussions, success was achieved because it was agreed that transportation was a statewide issue and what is good for Maricopa County is good for the rest of the state. Mr. Martin commented that 67 percent of sales tax comes from Maricopa County, but its residents use the state roadway system throughout the state. He expressed caution for getting into a rut of donor/donee and urged taking the high moral ground and looking at it as a statewide effort.

Supervisor Wilson suggested that miles driven in a county be the basis for distribution. He said that the problem was growing. We are doing a good job, but we are still behind. Supervisor Wilson stated that now is the opportunity that did not exist before to get labor to build roads.

Chair Hawker stated that a lot of the traffic congestion is along the Megapolitan corridor. He suggested that the goal be to eliminate the red lines shown on the map and accomplish mobility in the state.

Supervisor Wilson suggested giving options on different routes to travel and providing this information to drivers could help them avoid congested areas.

Chair Hawker asked how the TPC would input into the process. Mayor Cavanaugh stated that the TPC did its most significant work in 2003 with the Regional Transportation Plan and Proposition 400. He noted that the state's framework studies currently underway do not directly affect Maricopa County or Pima County, and are for areas that do not have regional transportation plans. Mayor Cavanaugh stated that these framework studies will be accomplished in the next 18 months; once done they would be brought together with the MAG and PAG RTPs. He said that the TPC would be integral in this task. Mayor Cavanaugh stated that the critical needs list complicates things because it forces MAG to accelerate decisions earlier than desired, but the Governor wants MAG to respond, so it will. Mayor

Cavanaugh suggested getting the framework studies completed and melded with the RTP. He advised keeping the COGs invested in this effort, which he thought could be achieved.

Councilmember Aames asked if there were critical items that could be addressed such as the funding source to start scheduling sooner. Mr. Smith stated that the schedule in the agenda packet was the staff recommendation for a suggested approach. He stated that staff is requesting guidance from the TPC on the ADOT list. Mr. Smith noted that the region must adhere to the Clean Air Act that says MAG cannot approve any plan, program or project without an air quality analysis. He advised that making a list that is not approved is fraught with difficulty.

Mayor Scruggs asked for clarification of bullet #3 in the ADOT request for critical needs list, review input for 2007 Governor's Transit Executive Order. Mr. Anderson replied that this was drafted last year in response to the Executive Order and included major categories of transit. Mr. Anderson advised that the submission noted that this was a group effort without a lot of technical background. He added that the Transit Framework Study was launched this year to do the professional planning there was not time to do last year. Mr. Anderson reported that in the critical needs list request, ADOT asked if there was anything that should be changed and to submit it in terms of a new request. He advised that this is nearly impossible to accomplish by mid-March and is viewed as a distraction from the planning work being done in the framework studies. Mr. Anderson stated that they could report to ADOT it was the best group effort, but was done with no discussion with transit partners or member agencies.

Mayor Scruggs asked if there were expectations that this funding would go toward operating bus routes to small rural towns in the state. Mr. Anderson replied that MAG was not privy to those discussions. He said that ADOT had recently completed a rural transit needs study that has not yet been released. Mr. Anderson stated there has been discussion of transit in rural areas, but he did not know if that would be a part of the package. He added that the only transit discussion at the statewide level he knew was of commuter rail between this region and Tucson. Mayor Scruggs said she would like to know who is speaking for Maricopa County and thinks there is enough money to do all of these projects?

Mr. Martin stated that staff needs the TPC's guidance on the exchange of information to ADOT. He said that the Legislature requires ADOT to put together a 20-year plan and asked if staff had seen it. Mr. Anderson replied that the ADOT 20-year plan includes the freeway portion of the MAG RTP. Mr. Martin asked if there was anything outside the Proposition 400 plan that could be included in bullet #5 of ADOT's request for critical needs list, identify unplanned conceptual projects needed by 2030 with order of magnitude cost estimates for each project. Mr. Anderson explained that ADOT cannot include anything in its plan that is not in the MAG RTP. He advised that this is according to federal law. He added that bullet #5 refers to projects not in the current RTP, such as the reconstruction of the mini-stack.

Mr. Martin recalled discussion during Proposition 400 when there were more projects than funding. He asked if there were projects outside the plan that were pared down that could be targets for unplanned conceptual projects. Mr. Anderson replied that there are a number of projects. However, the problem is adherence to the Clean Air Act. He explained that MAG cannot give projects to ADOT without air quality conformity analysis and a public process. Mr. Anderson stated that the federal planning process requires MAG adhere to certain guidelines, and MAG cannot turn over a list saying it came from MAG without approval by the Regional Council.

Mr. Martin asked if the Hassayampa Study had undergone a conformity analysis. Mr. Anderson replied that the study had not undergone a conformity analysis. He added that the study was only accepted by MAG, because the corridors in the study were not adopted into the plan. Mr. Martin asked if there was a hybrid that could be provided to the Governor to demonstrate additional cooperation. Mr. Smith stated ADOT has many tools, knows the freeway priorities, and is working on a \$3.6 billion deficit. Mr. Smith stated that MAG would not generate new projects before it knows the cost to accelerate an existing project, such as the I-10 Reliever. Mr. Smith stated that MAG should be looking at the existing plan, making sure it is whole, then accelerating it before looking for new projects.

Mayor Lopez Rogers asked if ADOT was requesting the list from counties or from the COGs/MPOs. Mr. Smith replied that the request was made to the COGs/MPOs. He said that he had found out Wednesday that one MPO received a request for a schedule, list of projects, cost and year, which sounded more like a plan to him. Mayor Lopez Rogers asked if any other areas were in a nonattainment area. Mr. Smith replied that only the MAG region is in a nonattainment area.

Councilmember Aames stated that perhaps the key is the word conceptual and asked if the list needed to be specific. Mr. Smith commented that ADOT wants MAG's blessing on this. A critical needs list that describes MAG's transportation challenges is one type of list, but a specific list is a diversion from the framework studies. Mr. Anderson stated that keeping the list at a program level as Councilmember Aames suggested and used for the transit executive order might be the approach. He stated that there are intuitively obvious projects MAG could identify, but attributing them back to MAG through the critical needs list is a very slippery slope. Mr. Anderson advised that MAG has been cautioned by Federal Highway Administration to follow the federal process or projects could be deemed ineligible for funding.

Councilmember Aames asked if there was a dollar figure for the Transit Executive Order. Mr. Anderson replied that a spreadsheet was available and could be transmitted to members.

Mr. Martin asked what could be done with the bullet points in the critical needs request. Mr. Anderson replied that MAG is currently doing bullet #1, the impact of cost increases for Proposition 400 freeway plan and acceleration potential. Mr. Anderson stated that staff could do bullet #3, review input for 2007 Governor's Transit Executive Order. He advised that accomplishing this by mid-March is problematic if it is to go through the TPC and Regional Council. Mr. Anderson stated that for bullet #4, develop a formula to establish funding needs for local streets, staff could put together an order of magnitude number at the program level. Mr. Anderson stated that bullet #5, identify unplanned conceptual projects needed by 2030 with order of magnitude cost estimates for each project, is problematic because it identifies specific projects. Mr. Smith stated that these could be brought back to the next TPC meeting.

Mayor Cavanaugh commented on not tying MAG's name to a critical needs list and stating that it is not a MAG-approved list. Mayor Cavanaugh stated that MAG will extend assistance when asked, but MAG would regret it if it tied its name to the list.

Councilmember Aames commented that it would be ADOT's and the Governor's list. Mayor Cavanaugh agreed that is how he sees it.

Chair Hawker stated that staff would bring back the information discussed and also explain the concept of why they cannot be more specific due to federal regulations. He commented on fixing the red lines

on the map, which could be done by accelerating Proposition 400, adding capacity, and transit between the MAG region and Tucson.

7. Legislative Update

Nathan Pryor, MAG Senior Policy Planner, provided an update on legislative issues of interest. Mr. Pryor reported on the federal Energy Independence and Security Act of 2007 that increases the federal share for CMAQ projects to a minimum of 80 percent. He noted that a fact sheet on the act was at each place. Mr. Pryor said that this could negatively impact the region's TIP because some of the CMAQ funded projects are funded fifty percent federal/fifty percent local, and some are funded seventy percent federal/thirty percent local. Mr. Pryor stated that the choices are to fix the legislation or reprogram the 2008 year of the TIP. He noted that the Chicago area might be negatively impacted as well. Mr. Pryor stated that MAG staff and intergovernmental staff are working with Congressional delegates on exemption language.

Mr. Smith noted that the impact could be \$30 million to the region if this is not fixed. He advised that the Congress was trying to help because some regions do not obligate all of their CMAQ funds. Mr. Smith stated that the pave dirt roads program, currently at a fifty percent federal/fifty percent local match, would be impacted. He advised that they need to be protected because they are in the Five Percent Plan for PM-10. Mr. Smith stated that they would be discussing the issue the next day with the National Association of Regional Councils.

Councilmember Aames asked the length of the exemption. Mr. Smith replied that it would be for two years. He added that staff also needs to ensure this is included in reauthorization.

Mr. Pryor then reported on state legislation. He said that Senate Bill 1471 says that ADOT shall issue a request for proposals for the conversion of HOV lanes on SR-51 into high occupancy toll (HOT) lanes and may issue requests for proposals for such conversion in other parts of the state. Mr. Pryor stated that this bill received a do pass yesterday out of the Transportation Committee. He noted that this would be a change to SR-51 that did not go through the MAG process. Mr. Smith noted that HOV lanes are shown to already be at capacity.

Mayor Cavanaugh commented on the three transportation bills passed by the Senate Transportation Committee. He stated that the TPC should be involved at the front end because these are policy decisions and the TPC should be deliberating on them.

There being no further business, the meeting adjourned at 5:50 p.m.

---

Chair

---

Secretary